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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 || RE:LAUNCH, LLC,

Plaintiff,

No. C 05-0697 PJH

vs.

PC TREASURES, INC., et al.,

Defendants.

ORDER RE PROTECTIVE ORDER FOR SEALED AND CONFIDENTIAL DOCUMENTS

16 || AND RELATED COUNTERCLAIMS

18 The parties have submitted for the court's approval, a stipulation and order for
19 protective order to protect confidential information that may be produced during discovery.
20 Included in this proposed order is a provision permitting the parties to file under seal any
21 pleading, motion paper, deposition transcript or other filed document that includes material
22 designated by the filing party as confidential. The court approves the protective order
23 insofar as it sets forth how the parties shall treat confidential information.

24 However, the court will not approve a broad protective order that essentially gives
25 each party carte blanche to decide which portions of the record will be sealed and,
26 therefore, not made part of the public record. See Civil L. R. 79-5; Citizens First Nat'l Bank
27 v. Cincinnati Ins. Co., 178 F.3d 943 (7th Cir. 1999); see also Standing Order re Sealed or
28 Confidential Documents. Federal Rule of Civil Procedure 26(c) requires the court to

1 determine whether good cause exists to seal any part of the record of a case. Accordingly,
2 no document shall be filed under seal, without a court order, narrowly tailored to cover only
3 the document, the particular portion of the document, or category of documents for which
4 good cause exists for filing under seal. To that end, if a party wishes to file a document
5 under seal, that party shall first file a written request for a sealing order setting forth the
6 good cause and accompanied by a proposed order that is narrowly tailored as specified
7 above.

8 However, if the sole ground for the sealing order is that the opposing party (or non-
9 party) has designated the document as confidential, the opposing party (or non-party) shall
10 file a declaration establishing good cause for the sealing along with a proposed order, or
11 shall withdraw the designation. The declaration shall be filed within five days of service on
12 the opposing party (or non-party) of the request for a sealing order. If the declaration is not
13 filed as required, the court may order that the document be filed in the public record.

14 The parties shall revise and resubmit the proposed order in accordance with this
15 order.
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17 **IT IS SO ORDERED.**

18 Dated: January 25, 2006



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PHYLLIS J. HAMILTON
United States District Judge

United States District Court

For the Northern District of California

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